

FILED
U.S. DISTRICT COURT
DISTRICT OF MARYLAND
**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MARYLAND**
(Northern Division)
2013 FEB 15 PM 11:13
CLERK'S OFFICE
AT BAL.

BRIAN CHARLES VAETH
8225 Poplar Mill Road
Nottingham, Maryland 21236-5581
(410) 931-4423
nueraenergy@comcast.net

BY _____

Plaintiff,

v.

Civil Action No. WDDR-13-446

ROBERT S. MUELLER Director,
FEDERAL BUREAU OF INVESTIGATION
935 Pennsylvania Avenue, NW
Washington, D.C. 20535-0001
(202) 324-3000

STEPHEN E. VOGT,
FEDERAL BUREAU OF INVESTIGATION
SPECIAL AGENT IN CHARGE
BALTIMORE FIELD OFFICE
2600 Lord Baltimore Drive
Baltimore, MD 21244
(410) 265-8080

Defendants,

COMPLAINT FOR INJUNCTIVE RELIEF

This is an action under the Freedom of Information Act, 5 U.S.C. § 552, to order the production of agency records, which defendant has improperly withheld from plaintiff. Plaintiff seeks the release of records on a matter of significant public concern: documents related to alleged criminal violations of federal, state, and local laws to have been committed by elected and appointed government officials for the City of Baltimore. To vindicate the public's right to

information about practices and policies relating to the unlawful manner in which the defendants act in their public office, Plaintiff seeks declaratory, injunctive, and other appropriate relief to compel Defendants in the instant matter to immediately process Plaintiff's request and release the records that are being withheld by them.

JURISDICTIONAL STATEMENT

This Court has jurisdiction over this action pursuant to 5 U.S.C. §552(a)(4)(B) (Freedom Of Information Act), 5 U.S.C. §551 *et seq.*, 5 U.S.C. §555(b), §702, §704 and §706 (Administrative Procedure Act), and 28 U.S.C. §1331 (federal question) as this action arises under the Freedom of Information Act. 5 U.S.C. §552 *et seq.*

PARTIES

Plaintiff is a citizen of Maryland who alleges that Defendants violated rights conferred upon him by the United States Constitution, Maryland State Constitution and other State and Local Laws.

Defendants are agents for the United States, under their titles as Director of the Federal Bureau of Investigation and Special Agent in Charge, respectively which are components of the United States of Department of Justice and are agencies within the meaning of 5 U.S.C. § 552 (f)(1).

RELATED CASES

The details surrounding Plaintiff's claim are a result of previous claims filed in the Circuit Court for Baltimore City, case numbers 24C00005120, 24C03007014, 24C07009752, which were an appeal of an administrative agency's unlawful determination of the denial for retirement benefits from the Fire & Police Employees' Retirement System of Baltimore City and the manner in which the proceedings were conducted. Plaintiff also filed claims in the United States

District Court for the District of Maryland, case numbers RDB-08-708, US Court of Appeals case number 09-2056 and WDQ-10-0182, Court of Appeals case number 11-2122. The United States District Court claims were brought pursuant to the Americans with Disabilities Act of 1990, as amended 42 U.S.C. sec. 12101 et seq., the Rehabilitation Act of 1973, as amended, 29 U.S.C. sec. 701 et seq. (Rehabilitation Act), and the 14th Amendment to the Constitution for allegations of the denial of due process and equal protection under federal, as well as, Maryland State laws.

STATEMENT OF CLAIM

On December 16, 2011 Plaintiff filed a complaint with the Baltimore Field Office of the Federal Bureau of Investigation alleging violations of federal laws against the following public officials: **George Nilson** *City Solicitor*, **David Ralph** *Deputy Solicitor*, **Elena DiPietro** *Chief, Legal Advice and Opinions Practice Group*, **Thomas Corey** *Chief, Minority and Women's Business Opportunity Office*, **Carolyn A. Espy** *Chief, Collections Practice Group*, **Gary Gilkey**, *Chief, Labor & Employment Practice Group*, **Sandra R. Gutman** *Chief, Land Use Practice Group*, **Mark H. Grimes** *Chief Legal Counsel, Legal Affairs Practice Group*, **Richard E. Kagan** *Chief, Corporate Practice Group*, **Kurt Heinrich** *Central Bureau of Investigation*, **Matthew Nayden** *Chief, Litigation Practice Group*, in their official and personal capacities.¹

This complaint was filed with the Baltimore Field Office of the Federal Bureau of Investigation, in relation to Plaintiff's desire to present the evidence to support the allegations contained in the complaint before a federal Grand Jury, for an indictment against the defendants. Plaintiff has continually called to ascertain the status of the complaint with the "Duty Agent in Charge" when the calls were placed without success. These agents have instructed Plaintiff that they did not know the status of the complaint and that they could find no additional evidence in

¹ Exhibit 1 Attachment

relation to it. As of this date, Plaintiff has never received a return call, although promised, to update him with the correct status of his complaint.

Plaintiff wishes to invoke his right to bring forth evidence to a Federal Grand Jury concerning crimes alleged to have been committed against the United States of America. Plaintiff intends to demonstrate through evidence and testimony before a federal Grand Jury that various felonious acts including Perjury to arrest Plaintiff, Intimidation, False Imprisonment to Silence A Federal Whistleblower/Informant, Perjury, Malicious Prosecution of Plaintiff, and the cover up there of, false arrests and imprisonment of Plaintiff, have been committed by Defendants, both named and unnamed. Plaintiff contacted the Baltimore Office for the United States Attorney and was informed that to begin the process to presenting evidence before a Grand Jury, a complaint must be filed with the Federal Bureau of Investigation, or similar investigating agency of the government.

FREEDOM OF INFORMATION ACT

Plaintiff has a right of access to the requested information under 5 U.S.C. § 552(a)(3), and there is no legal basis for defendant's denial of such access.

WHEREFORE, plaintiff requests this Court:

- (1) Order defendant to provide access to the requested documents;
- (2) Expedite this proceeding as provided for in 28 U.S.C. § 1657;
- (3) Award plaintiff costs and reasonable attorneys fees in this action, as provided in 5 U.S.C. § 552(a)(4)(E); and
- (4) Grant such other and further relief as may deem just and proper.

Respectfully submitted,

Brian Charles Vaeth
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Case No.

ROBERT S. MUELLER

CERTIFICATE OF SERVICE

I hereby certify that on FEB. 13, 2013, a copy of Plaintiff's Freedom of Information Request.

which was electronically filed in this case on FEB. 13, 2013, was

mailed via first class mail, postage prepaid, to ROBERT S. MUELLER, FBI. &

STEPHEN E. VOGT, FBI. 935 PENNSYLVANIA AVE NW. WASHINGTON, DC. 20535-0001

BRIAN CHARLES VAETH

Printed Name

Bar Number

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